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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,592	03/21/2001	Daniel J. Lubera	0275M-000320/CPA	3509
27572	7590	01/26/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			ART UNIT	PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	Application No. 09/813,592	Applicant(s) LUBERA ET AL.
	Examiner James R. Brittain	Art Unit 3677

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 02 November 2004 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within ONE MONTH or THIRTY DAYS from the mailing date of this Notification, whichever is longer. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1.  The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2.  The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3.  At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4.  (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5.  The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))
6.  The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7.  The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8.  The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9.  The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10.  Other (including any explanation in support of the above items):  
See Continuation Sheet.



James R. Brittain  
Primary Examiner  
Art Unit: 3677

Continuation of 9. Other (including any explanation in support of the above items): 1) Applicant supplied items: "Summary of the Invention", "Issues" and "Grouping of the Claims" are not found in 37 CFR 41.37 and applicant must use "Summary of the claimed subject matter" and "Grounds of rejection to be reviewed on appeal". 4) Applicant's "Summary ..." fails to (a) refer to the specification by page and line number for the concise explanation of the subject matter in the independent claim on appeal and (b) fails to set forth the structure, material, or acts described in the specification to each claimed function with reference to the specification by page and line number and to the drawings by reference character. 5) The brief fails to state that claims 101-103, 105 and 107-110 are rejected under 35 USC 102(b) over Kuffel (US 5759004) and claims 104 and 111 are rejected under 35 USC 103(a) over Kuffel (US 5759004), but instead combines the two rejections together. 6) Kuffel (US 5759004) is the sole reference for two grounds of rejection, under 35 USC 102(b) and 35 USC 103(a) and the brief fails to present an argument under a separate heading for each of these grounds of rejection, but instead combines the two together. 7) The claims were renumbered in the final rejection by the examiner and applicant's copy of the appealed claims is incorrect because it fails to correspondingly change the claim dependencies so as to be consistent with the renumbering scheme. Claim 104 now depends upon itself wherein it should depend from claim 103; claim 108 now depends from claim 106 wherein it should depend from claim 107; claim 110 now depends from claim 108 wherein it should depend from claim 109; claim 111 now depends from claim 109 wherein it should depend from claim 110; claim 112 now depends from claim 108 wherein it should depend from claim 109; and claim 113 now depends from claim 108 wherein it should depend from claim 109.